



Doc Code: HOANA-65047

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/662,006	
	Filing Date	September 14, 2000	
	First Named Inventor	Patrick K. Sullivan	
	Art Unit	3736	
	Examiner Name	NASSER, Robert L.	
Total Number of Pages in This Submission	7	Attorney Docket Number	HOANA-65047

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Certificate of Correction; PTO/SB/44; Copies of Attachments; Post card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	FULWIDER PATTON LLP	
Signature		
Printed name	CRAIG B. BAILEY	
Date	December 5, 2006	Reg. No. 28,786

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	CRAIG B. BAILEY	Date December 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

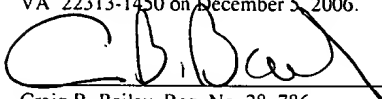
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PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Craig B. Bailey, Reg. No. 28, 786

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Inventors: Patrick K. Sullivan, et al.

Patent No.: 6,984,207 B1

Serial No.: 09/662,006

Issued: January 10, 2006

Filed: September 14, 2000

For: PASSIVE PHYSIOLOGICAL
MONITORING (P2M) SYSTEM

Examiner: Robert L. Nasser

Group Art Unit: 3736

Docket No.: HOANA-65047

December 5, 2006
Los Angeles, California

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is noted that an error appears in the above-identified patent, as more fully described below.

Serial No.: 09/662,006
Atty. Docket: HOANA-65047

Under the heading "References Cited" on the front page of the patent, the following references are missing:

3,742,937	5,590,649
3,898,981	5,590,650
4,359,726	5,724,990
4,428,380	5,846,206
4,628,939	5,902,255
4,734,044	5,942,979
4,827,763	5,989,193
4,926,866	6,047,203
4,967,760	6,050,940
5,012,815	6,146,332
5,036,859	WO/ 96/36279
5,490,516	

The error occurred as a result of a mistake by the Patent and Trademark Office. The material attached hereto as Exhibit A, comprising excerpts from the Office Action of November 5, 2003 (Paper No. 25), establishes that the Examiner had considered the missing references as indicated by the Examiner's initials on PTO Form 1449A.

It is requested that a certificate of correction be issued and returned to us.

Attached hereto, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.

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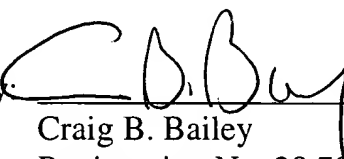
///

PATENT

It is believed that no fee is due in connection with this request. However, if any fees are due, please charge our Deposit Account No. 06-2425. A duplicate of this document is attached.

Respectfully submitted,

FULWIDER PATTON LLP

By  _____
Craig B. Bailey
Registration No. 28,786

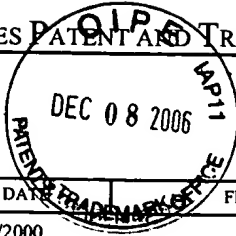
CBB:jc
Enclosures

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148512.1

Serial No.: 09/662,006
Atty. Docket: HOANA-65047



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HOANA-65047

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,006	09/14/2000	Patrick K Sullivan	OCEANIT	9060

24201 7590 11/05/2003

FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

MALLARI, PATRICIA C

ART UNIT	PAPER NUMBER
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3736

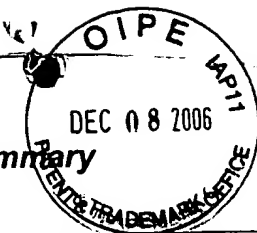
DATE MAILED: 11/05/2003

BEST AVAILABLE COPY

Response Due February 5, 2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

09/662,006

Applicant(s)

SULLIVAN ET AL.

Examiner

Patricia C. Mallari

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-51, 53, 54, 56 and 73-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56 is/are allowed.
- 6) ☒ Claim(s) 49-51, 53, 54 and 73-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18, 24.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	09/662,006
Filing Date	September 14, 2000
First Named Inventor	P. Sullivan
Art Unit	3736
Examiner Name	P. Mallari
Attorney Docket Number	HOANA-65047

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
P		US-3,742,937		07-03-1973	Manuel et al.	
		US-3,898,981		08-12-1975	Basham	
		US-4,359,726		11-16-1982	Lewiner et al.	
		US-4,428,380		01-31-1984	Wong et al.	
		US-4,628,939		12-16-1986	Little et al.	
		US-4,734,044		03-29-1988	Radice	
		US-4,827,763		05-09-1989	Bourland et al.	
		US-4,926,866		05-22-1990	Lee	
		US-4,967,760		11-06-1990	Bennett, Jr., et al.	
		US-5,012,815		05-07-1991	Bennett, Jr., et al.	
		US-5,036,859		08-06-1991	Brown	
		US-5,490,516		02-13-1996	Hutson	
		US-5,590,649		01-07-1997	Caro et al.	
		US-5,590,650		01-07-1997	Genova	
		US-5,724,990		03-10-1998	Ogino	
		US-5,846,206		12-08-1998	Bader	
		US-5,902,255		05-11-1999	Ogino	
		US-5,942,979		08-24-1999	Luppino	
		US-5,989,193		11-23-1999	Sullivan	
		US-6,047,203		04-04-2000	Sackner et al.	
		US-6,050,940		04-18-2000	Braun et al.	
		US-6,146,332		11-14-2000	Pinsonneault et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
P		WO	96/36279		11-21-1996	SOMED PTY. LIMITED		

Examiner
Signature

Stephen C. Patel

Date
Considered

6/10/01

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,984,207 B1
APPLICATION NO. : 09/662,006
DATED : January 10, 2006
INVENTOR(S) : Patrick K. Sullivan; Ken C. K. Cheung; Christopher J. Sullivan;
Paul Pernambuco-Wise

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page

Item [56], **References Cited**, add the following under the heading "U.S. PATENT DOCUMENTS":

--	3,742,937	7/1973	Manuel et al.....	128/2.05	
	3,898,981	8/1975	Basham.....	128/2	
	4,359,726	11/1982	Lewiner et al.....	340/666	
	4,428,380	1/1984	Wong et al.....	128/715	
	4,628,939	12/1986	Little et al.....	128/696	
	4,734,044	3/1988	Radice.....	439/78	
	4,827,763	5/1989	Bourland et al.....	73/172	
	4,926,866	5/1990	Lee.....	128/630	
	4,967,760	11/1990	Bennett, Jr. et al.....	128/715	
	5,012,815	5/1991	Bennett, Jr. et al.....	128/715	
	5,036,859	8/1991	Brown.....	128/734	
	5,490,516	2/1996	Hutson.....	128/696	
	5,590,649	1/1997	Caro et al.....	128/630	
	5,590,650	1/1997	Genova.....	128/630	
	5,724,990	3/1998	Ogino.....	128/782	
	5,846,206	12/1998	Bader.....	600/534	
	5,902,255	5/1999	Ogino.....	600/595	
	5,942,979	8/1999	Luppino.....	340/576	
	5,989,193	11/1999	Sullivan.....	600/534	
	6,047,203	4/2000	Sackner et al.....	600/388	
	6,050,940	4/2000	Braun et al.....	600/300	
	6,146,332	11/2000	Pinsonneault et al.....	600/534	--

MAILING ADDRESS OF SENDER

Craig B. Bailey, Esq.
Fulwider Patton LLP
6060 Center Drive, 10th Floor
Los Angeles, CA 90045

PATENT NO. 6,984,207 B1

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323 and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, US Dept. of Commerce, PO Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,984,207 B1
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 Paul Pernambuco-Wise

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page (Cont'd)

Item [56] **References Cited**, add the following under the heading "FOREIGN PATENT DOCUMENTS,":

-- WO 96/36279 11/1996 --

MAILING ADDRESS OF SENDER
 Fulwider Patton Lee & Utecht LLP
 6060 Center Drive, 10th Floor
 Los Angeles, CA 90045

PATENT NO. _____

No. of additional copies _____

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